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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC 1/

[14 May 1984]

1/ The initial, second and third reports submitted by the Government of the Byelorussian SSR (E/CN.4/1277/Add.14, E/CN.4/1415/Add.4 and E/CN.4/1983/24/Add.13) were considered by the Group of Three at its 1979, 1981 and 1984 sessions respectively.

The opposition of the Byelorussian SSR to the policy and practice of apartheid is constant and resolute. As has already been mentioned in previous reports on this matter, the system of public, political, social and economic life which has come into being in the Byelorussian SSR precludes the possibility of the occurrence of discrimination on racial or national grounds.

The victory of the Great October Socialist Revolution put an end once and for all to the exploitation of man by man and brought with it the emancipation of the Byelorussian people, to whom it gave freedom and a full range of rights.

The profoundly democratic nature of the Soviet State of the entire people is reflected in the country's Constitution (Fundamental Law), which proclaims and guarantees both extensive social rights (to work, rest and leisure, housing, education, political assistance, maintenance in old age and the enjoyment of cultural benefits) and political freedoms (freedom of speech, written expression, conscience and association and the right to vote and to be elected.

The principle set forth in the Byelorussian Constitution of citizens' equality in all fields of economic, political, social and cultural life without distinction of race or nationality is unswervingly put into practice. In the Republic, all limitation of rights or establishment of direct or indirect privileges on grounds of race or nationality and all advocacy of racial or national exclusiveness, hostility or contempt are punishable by law (Constitution, article 34). Article 71 of the Criminal Code of the Byelorussian SSR provides that "Any propaganda or agitation for the purpose of arousing racial or national hostility or dissension, and likewise any direct or indirect restriction of the rights of, or the establishment of any direct or indirect privileges for, citizens according to their race or nationality shall be punishable by imprisonment for a term of not less than six months and not more than three years or by exile for a term of not less than two and not more than five years".

Citizens of the Byelorussian SSR are equal before the law without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type of nature of occupation, domicile or other status (Constitution, article 32).

Equality of rights without distinction of race or nationality is guaranteed in the Byelorussian SSR not only for Soviet citizens but also for other persons within the territory of the Republic. Article 35 of the Constitution provides that "Citizens of other countries and stateless persons in the Byelorussian SSR are guaranteed the rights and freedoms provided by the law, including the right to apply to a court and other States bodies for the protection of their personal property, family and other rights".

The status of foreign citizens in the Republic is regulated by the Act on the Legal Status of Aliens in the USSR, adopted in June 1981. Article 3 of the Act provides, inter alia, that "aliens in the USSR shall enjoy the same rights and freedoms and have the same obligations as citizens of the USSR".

The Constitution of the Byelorussian SSR guarantees inviolability of the person to citizens of the Republic and provides that no one may be arrested except by a court decision or on the warrant of a procurator (article 52).

Article 56 of the Constitution gives citizens the right to lodge complaints against the actions of officials and State or public bodies. Such complaints must be examined according to the procedure and within the time-limits established by law. Actions by officials that contravene the law or exceed their powers and infringe the rights of citizens may be appealed against in a court in the manner prescribed by law. Citizens of the Byelorussian SSR have the right to compensation for damage resulting from unlawful actions by State or public organizations or by officials in the exercise of their duties.

In accordance with article 160 of the Byelorussian Constitution, colleges of advocates are available to give legal assistance to citizens and organizations. In the instances provided for by law, such assistance is given free of charge. Article 161 of the Constitution permits participation in civil and criminal proceedings by representatives of public organizations and of work collectives.

The principle of citizens' equality of rights without distinction of race or nationality was unwaveringly observed during the period under review in the day-to-day activities of all State bodies and public organizations. Citizens of all nationalities participate actively in administering the State. As is proclaimed in article 2 of the Constitution, "All power in the Byelorussian SSR belongs to the people".

The main trend in the development of the political system of Soviet society is the extension of socialist democracy, namely steadily broader participation by citizens in managing the affairs of the State and society, improvement of the machinery of State, heightening of the activity of public organizations, strengthening of the system of people's control, consolidation of the legal foundations of State and public life, greater openness and publicity, and constant responsiveness to public opinion.

Article 46 of the Constitution confers upon citizens of the Byelorussian SSR the right to take part in the management of State and public affairs and in the discussion and adoption of laws and decisions of all-Union and local significance. This right is ensured by the opportunity to vote for, and to be elected to, Soviets of People's Deputies and other elective State bodies, to take part in nationwide discussions and referendums, in people's control, in the work of State bodies, public organizations and local community groups, and in meetings at places of work or residence.

In accordance with article 84 of the Constitution, the elections of deputies to all Soviets of People's Deputies are conducted by secret ballot on the basis of universal, equal and direct suffrage.

Article 85 of the Constitution provides that elections shall be universal: all citizens of the Byelorussian SSR who have reached the age of 18, other than persons legally certified insane, have the right to vote and to be elected. Article 86 of the Constitution embodies the principle of the equality of suffrage: all electors have one vote each and exercise the franchise on an equal footing.

Article 62 of the Constitution makes it the duty of every citizen of the Byelorussian SSR "to respect the national dignity of other citizens and to strengthen the friendship of the nations and nationalities of the multinational Soviet State".

Article 36 of the Constitution provides for the granting of the right of asylum "to foreigners persecuted for defending the interests of the working people and the cause of peace, for participating in the revolutionary and national liberation movement, or for progressive social, political, scientific or other creative activity".

The previous reports by the Byelorussian SSR gave a detailed account of the principles of complete national and racial equality set forth in numerous legislative acts regulating all aspects of social relations. The instruments in question include: the Labour Act, which provides guarantees of admission to employment without distinction of sex, race, nationality, attitude to religion, etc.; the Public Education Act, which guarantees the equality of all citizens as regards access to education; the Judicial System Act, which establishes the equality of all citizens before the law and/or the courts; the Code on Marriage and the Family, which provides that citizens have equal rights in family relations; and the Criminal Code of the Byelorussian SSR, which guarantees the suppression of any acts aimed at violating national and racial equality.

An important role in educating Soviet citizens in a spirit of fraternal friendship among the peoples of the USSR and of proletarian internationalism is played by the study of Soviet law and of its provisions concerning the equality of all races and nationality.

The constant attention given to the development and consolidation of the fraternal alliance among the peoples of our country is reflected in the Decision adopted by the Supreme Soviet of the USSR in 1983 concerning the tasks of Soviets of People's Deputies with regard to the further development of friendship and co-operation among the peoples of the USSR and the internationalist education of the workers.

The Decision stipulates that Soviets of People's Deputies must constantly be attentive to the development and deepening of friendship and co-operation among the peoples of the USSR and take the greatest possible advantage of the opportunities offered by educational establishments, cultural institutions and art for educating citizens in a spirit of mutual respect and friendship among all the nations and nationalities in the country and of internationalism and solidarity with the workers of other countries.

The constitutional reference to the need to educate citizens in a spirit of socialist internationalism has been amplified in the USSR Act on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations, which dates from 17 July 1983. Article 17 of this Act provides that work collectives shall take steps to educate their members in a spirit of socialist internationalism and of friendship and brotherhood among peoples.

Elections to Soviets of Peoples' Deputies always provide a striking illustration of the wide-ranging involvement of Soviet people in public life and of the democratic nature of our electoral system. This system, based on the principles of universal, equal and direct suffrage by secret ballot, fully meets the needs of the present stage of the development of society and secures to the people the widest possible opportunity to participate in the electoral process. By their composition, the organs of power in our country give the widest possible representation to all levels of the population.

Questions relating to the struggle against racism, racial discrimination and apartheid are included in the syllabuses of the Republic's secondary schools and higher educational establishments.

The periodic press and other information media continue to contribute actively towards the education of citizens of the Byelorussian SSR in a spirit of intolerance of racism and racial discrimination.

As has been indicated in previous reports, the Byelorussian SSR does not maintain any relations with racist regimes. Its conduct has always been and remains strictly consistent with the decisions and recommendations of the United Nations and other international organs concerning economic, diplomatic and other sanctions aimed at the international isolation of racist regimes.

Guided by Leninist principles of foreign policy, the Byelorussian SSR always consistently defends the principle of the equality of peoples and resolutely opposes all forms and manifestations of discrimination and national oppression. The Republic resolutely condemns racism and apartheid and advocates the steadfast implementation by all States of the decisions on the complete and unconditional eradication of apartheid and all other forms of racism, wherever and however they may occur.

The Byelorussian SSR decisively condemns: the system of apartheid and the South African racist regime's policy of terrorism and mass repression against the indigenous African population; the continuing illegal occupation of Namibia; and the acts of aggression against Angola and other independent African States.

The Byelorussian SSR is a firm supporter of the liberation struggle of the people of Namibia under the leadership of SWAPO, the sole genuine representative of that people. We condemn the attempts by the racists in Pretoria and their patrons to resolve the issue of Namibia outside the United Nations and to impose upon the people of Namibia a neocolonialist, puppet regime. We are in favour of the ending of the South African regime's occupation of Namibia and the immediate granting of independence to that country on the basis of the relevant United Nations resolutions, including Security Council resolution 435. In the interests of such an outcome, the Security Council should take the strongest possible measures against the South African racists, up to and including the introduction of comprehensive mandatory sanctions in accordance with Chapter VII of the Charter of the United Nations.

The representatives of the Byelorussian SSR participate actively in the work of the United Nations organs such as the General Assembly and the Commission on Human Rights that deal with the problems of decolonization and the struggle against racism, racial discrimination and apartheid. They participated in the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983) and the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983).

The Byelorussian SSR is a regular contributor to the International Defence and Aid Fund to Assist the Struggle of the Peoples of Africa against Colonialism and Racism.

The Byelorussian SSR has always supported resolutions condemning apartheid and has been among their sponsors in many cases.

The press, radio, television and voluntary organizations in the Byelorussian SSR are carrying on a systematic campaign to provide the population of the Republic with information exposing and condemning the practice and inhuman policy of colonialism, racism and apartheid. The International Day of Struggle Against Racism and Racial Discrimination, the Week of Solidarity with Peoples Struggling against Racism and Racial Discrimination, the Day of Solidarity with Political Prisoners in South Africa, the Week of Solidarity with the Struggle of the Peoples of Southern Africa, the International Day of Solidarity with the Struggling People of South Africa, Namibia Day, etc. are observed annually in the Byelorussian SSR.

Guided by Leninist principles of equal rights and friendship among peoples, the Byelorussian SSR will continue to give every possible support to the peoples struggling for their freedom and independence against colonialism, imperialism and their manifestations - apartheid and racial discrimination.